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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,440	09/15/2003	R. Brooke Dunn	PA0916.ap.US	1598

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EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,440	Applicant(s) DUNN ET AL.	
	Examiner Tramar Harper	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/04, 3/6/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 and 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Gauselmann (US 2003/0216167).

Claims 1, 7, 13, 24, 26, & 28: Gauselmann teaches a gaming device with a main and a bonus game that comprises of:

a processor/cpu for running game programs that control the main and bonus games and for controlling the game display (¶ 25);

a wager for initiating the game (¶ 20)

a plurality of main game outcomes which includes a triggering bonus game outcome; triggering the bonus round;

displaying/previewing the plurality of selectable awards in an order unrelated to how the awards are hidden or masked;

the player makes M amount of choices in attempt to win or accumulate the hidden awards that revealed upon selection; and

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Claims 2-6, 8-12, 14-16, 25, & 27: Gauselmann discloses that the assemblage of selectable hidden outcomes/awards may include credits, monetary values, multipliers, free bonus game (free spin), or an end of game option (§ 7). In one embodiment, a player is only allowed to make M amount of choices, M being less than the total available selections and then bonus game ends (§ 40). In another embodiment, a player is allowed five chances to match three symbols, the player is awarded bonus based on the match, and the bonus game ends (§ 38), which is also interpreted as the player replacing at least one player selection. The end bonus option ends the bonus game and brings player back to main game (§ 36).

Claim 17: Player touches the screen or door on screen to reveal hidden value behind door (§ 29).

Claim 19: Player keeps making selections until the end-bonus option is selected and the game ends (§ 36).

Claims 20-21: Gauselmann discloses that the main game comprises of a rotating reel type game and upon a special combination of symbols obtained in the game the bonus game is triggered (§ 26). The said special combination of symbols represents the start bonus symbols.

Claim 22: Gauselmann discloses that the player is allowed to make M amount of choices, M being less than the total available selections and then bonus game ends (§ 40). Thus, the last choice is the choice that ends the game, but also can be a credit value.

Claim 23: Please refer to Fig. 9, in which the gaming device grants awards based on the sum of selected values (§ 40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauselmann (2003/0216167) in view of Kaminkow (US 6,511,375).

Claim 18: Gauselmann teaches all the limitations of Claim 13, as stated above, but excludes the teaching of revealing all selectable elements, whether unselected or selected by the player, at the end of a bonus game. The Applicant admitted prior art of Kaminkow discloses a bonus game of selectable elements, where all selectable elements unselected or selected are revealed when the bonus round ends (Col. 10:66-Col. 11:5). It would have been obvious to one of ordinary skill at the time of the invention to modify the bonus game of Gauselmann such that upon the selection of an end bonus outcome all selectable elements are revealed, as taught by Kaminkow. The above modification would provide the player with the knowledge of missed opportunity and add to the excitement of the game. Thus, increasing a player's interest in the game and possibly promoting further game play.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaminkow (US 6,659,864) teaches player selectable elements where player can swap awards.

Thomas (US 6,190,255) teaches player selectable elements that comprise of end-bonus selection with an associated credit value.

Baerlocher (US 6,575,830) discloses a bonus game that ends upon player swapping awards to obtain the ultimate award.

Luccesi (US 2003/0045343), Gauselmann (US 2005/0054414), and Bennett (US 6,572,471) all teach similar gaming devices with bonus selectable elements.

Gerrard (US 2004/0048644) and Berman (US 2005/0119040) teach bonus games comprising of a shell type game with selectable elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

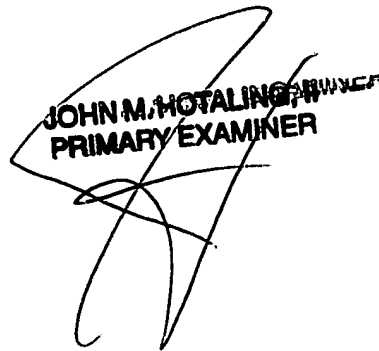
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

08/17/06



JOHN M. HOTELLING
PRIMARY EXAMINER